

REMARKS:

Claims 1-37 are currently pending in the application.

Claims 1-37 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,708,161 to Tenorio, et al. ("Tenorio"). Reconsideration and withdrawal of this rejection is respectfully requested in light of the following remarks.

TELEPHONE INTERVIEW:

The assistance provided by Examiner Laufer in preparing the Declaration submitted herewith is noted with appreciation. A similar Declarations was previously filed in the present Application. The previously-filed Declaration was rejected. During telephone interviews conducted on 1 November 2005 and on 2 November 2005, the rejection of the Declaration was discussed, a draft revised Declaration was forwarded to Examiner Laufer, and Examiner Laufer indicated that the draft revised Declaration included revisions that, if incorporated into a new formal Declaration, should be sufficient to overcome the objections to the previously-filed Declarations. Accordingly, a new Declaration is submitted herewith including the revisions made in the draft revised Declaration that was reviewed by Examiner Laufer. Approval of the Declaration is therefore respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-37 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,708,161 to Tenorio, et al. ("Tenorio").

Submitted herewith is a Declaration under 37 C.F.R. § 1.132. As discussed above under the heading "Telephone Interview," the Declaration submitted herewith complies with the changes requested by Examiner Laufer. Approval and entry of the Declaration is therefore respectfully requested.

It is respectfully submitted that this Declaration obviates the rejections under 35 U.S.C. 102(e).

CONCLUSION:

In view of the foregoing remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Enclosed is an RCE Transmittal that includes an authorization for charging the \$120.00 One-Month Extension of time fee and the \$790.00 RCE fee to **Deposit Account No. 500777**. No other fees are believed to be necessary. However, if any other fees should be required, the Director is hereby to charge any such fees to Deposit Account No. **500777**. If the Request for Extension for Response is missing or insufficient, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such Petition for Extension of Time should be charged to Deposit Account No. **500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

22 DEC 2005
Date


James E. Walton, Registration No. 47,245
Brian E. Harris, Registration No. 48,383
Daren C. Davis, Registration No. 38,425
Michael Alford, Registration No. 48,707
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (voice)
(817) 447-9954 (facsimile)
jim@waltonpllc.com (e-mail)

CUSTOMER NO. 53184
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